from China and Korea: Investigation Nos. 731–TA–1092 and 1093 (Final)(Remand), which can be accessed directly at (http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/index_opinions/index.htm). The CIT issued a confidential opinion regarding the ITC's determination on remand on January 13, 2009. *DSMC*, Slip Op. 09–05. The ITC informed the Department of Commerce (''Department'') by letter dated January 22, 2009, that the CIT's January 13, 2009, opinion in *DSMC* sustains the ITC's threat–of-material–injury determination. Accordingly, upon notice from the ITC of no appeal or, if appealed, of a ''conclusive'' decision by the CAFC affirming *DSMC*, antidumping duty orders on diamond sawblades from the PRC and Korea will be issued.

Suspension of Liquidation

In *Timken*, the CAFC held that, pursuant to section 516A(c)(1) of the Tariff Act of 1930, as amended (''the Act''), the Department must publish notice of a court decision that is not ''in harmony'' with an ITC determination. *Timken*, 893 F.2d at 341. The CIT's January 13, 2009, opinion in DSMC constitutes a decision not in harmony with the ITC's *Final Determination. See* ITC January 22, 2009, Letter. Thus, publication of this notice fulfills the obligation arising under *Timken*. The CAFC also held that the Department must suspend liquidation of the subject merchandise until there is a ''conclusive'' decision in the case. *Timken*, 893 F.2d at 341; *Smith Corona Corp. v. United States*, 915 F.2d 683, 688 (Fed. Cir. 1990). Therefore, effective January 23, 2009, the Department is suspending liquidation pending the expiration of the period to appeal or pending a final decision of the CAFC if *DSMC* is appealed.

Comments submitted by interested parties are addressed in the Memorandum from John M. Andersen, Acting Deputy Assistant Secretary, Antidumping and Countervailing Duty Operations, for Import Administration, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Adminstration, dated February 3, 2009, which is available in Room 1117 of the Department of Commerce building.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: February 3, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–2642 Filed 2–9–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–848

Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Rescission of Review in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On October 6, 2008, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China. The review covers one exporter. The period of review is September 1, 2006, through August 31, 2007.

Based on our analysis of the comments received, we have made no changes to our margin calculations. Therefore, the final results do not differ from the preliminary results. The final weighted–average dumping margin for the reviewed firm is listed below in the section entitled ''Final Results of the Review.''

EFFECTIVE DATE: February 10, 2009

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov or Minoo Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0665 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 2008, the Department of Commerce (the Department) published the preliminary results of review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC). See *Freshwater Crawfish Tail Meat From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Intent to Rescind Review in Part*, 73 FR 58115 (October 6, 2008) (*Preliminary Results*). The administrative review covers Yancheng Hi–King Agriculture Developing Co., Ltd. (Hi–King). We invited interested parties to comment on the preliminary results. On November 5, 2008, we received a case brief from the petitioners, the Crawfish Processors Alliance and the Louisiana Department of Agriculture and Forestry. On November 10, 2008, we received a rebuttal brief from Hi–King. The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The product covered by the antidumping duty order is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the HTSUS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by the CBP in 2000, and HTSUS numbers 0306.19.00.10 and 0306.29.00.00, which are reserved for fish and crustaceans in general. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

Partial Rescission of Administrative Review

In the *Preliminary Results*, we preliminarily found that Shanghai Now Again International Trading Co., Ltd. (Shanghai Now Again), and Xiping Opeck Food Co., Ltd. (Xiping Opeck), had no shipments of subject merchandise during the period of review and we stated our intent to rescind the administrative review with respect to these companies. See *Preliminary Results*, 73 FR at 58116. We have received no comments concerning our intent to rescind this administrative review in part. We continue to find that Shanghai Now Again and Xiping Opeck had no shipments of freshwater crawfish tail meat from the PRC during the period of review. In accordance with 19 CFR 351.213(d)(3), we are rescinding our review of Shanghai Now Again and Xiping Opeck.

Surrogate Country

In the *Preliminary Results*, we treated the PRC as a non–market-economy (NME) country and, therefore, we calculated normal value in accordance with section 773(c) of the Act. Also, we

stated that we selected India[1] as the appropriate surrogate country to use in this review because (1) it is a significant producer of merchandise comparable to subject merchandise and (2) it is at a level of economic development comparable to the PRC, pursuant to section 773(c)(4) of the Act. See *Preliminary Results*, 73 FR at 58117. No interested party commented on our designation of the PRC as an NME country or the selection of India as the primary surrogate country. Therefore, for the final results of review, we have continued to treat the PRC as an NME country and have used the same primary surrogate country, India, for these final results.

Separate Rates

In proceedings involving NME countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

In the *Preliminary Results*, we found that Hi–King demonstrated its eligibility for separate–rate status. See *Preliminary Results*, 73 FR at 58117–58118. We received no comments from interested parties regarding the separate–rate status of this company. Therefore, in these final results of review, we continue to find that the evidence placed on the record of this review by Hi–King demonstrates an absence of government control, both in law and in fact, with respect to its exports of the merchandise under review. Thus, we have determined that Hi–King is eligible to receive a separate rate.

Duty Absorption

In the *Preliminary Results*, we stated that we will not make a duty–absorption determination with respect to Jingdezhen Garay Foods Co., Ltd., Shanghai Now Again, Xiping Opeck, Anhui Tongxin Aquatic Product & Food Co., Ltd., and Xuzhou Jinjiang Foodstuffs Co., Ltd., because we have either rescinded or were announcing our intent to rescind in part the review with respect to these companies. See *Preliminary Results*, 73 FR at 58117. In addition, we stated that we have not investigated whether Hi–King absorbed duties because there is no record evidence indicating that Hi–King sold subject merchandise in the United States through an affiliated importer. See *Preliminary Results*, 73 FR at 58117.

While we continue to not make a duty–absorption determination for the final results, we are clarifying our analysis. Section 751(a)(4) of the Act provides that, if requested, the Department shall determine during an administrative review initiated two or four years after the publication of the order ''whether antidumping duties have been absorbed by a foreign producer or exporter. . . if the subject merchandise is sold in the United States'' through an affiliated importer. Because the order on crawfish tail meat from the PRC was published on September 15, 1997, and this review was initiated ten years thereafter on October 31, 2007, this review was not initiated two or four years after the publication of the order. Therefore, pursuant to section 751(a)(4) of the Act, the Department continues to not make a duty–absorption determination in this review.

Analysis of Comments Received

A single issue raised in the case and rebuttal briefs by parties in this review is addressed in the ''Issues and Decision Memorandum'' (Decision Memo) from John M. Andersen, Acting Deputy Assistant Secretary, to Ronald K. Lorentzen, Acting Assistant Secretary, dated February 3, 2009, which is hereby adopted by this notice. The issue which parties have raised and to which we have responded in the Decision Memo relates to the appropriate calculation of surrogate values for inland–freight expenses. Parties can find a complete discussion of the issue raised in this review and the corresponding recommendation in this public memorandum, which is on file in the Department's Central Records Unit, Room 1117 of the main Commerce building (CRU). In addition, a complete version of the Decision Memo can be accessed directly on the Web at http://ia.ita.doc.gov/frn. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

There are no changes in the calculations from those we completed for the *Preliminary Results*.

Final Results of the Review

The Department has determined that the following final weighted–average dumping margin exists for the period September 1, 2006, through August 31, 2007:

Manufacturer/Exporter	Percent Margin
Yancheng Hi–King Agriculture Developing Co., Ltd.	0.00

Assessment Rates

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these final results of review. Because we calculated a margin of zero percent for Hi–King, we will instruct CBP to liquidate the entries of merchandise exported by Hi–King without regard to antidumping duties.

Cash–Deposit Requirements

The following cash–deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) for subject merchandise exported by Hi–King, the cash–deposit rate will be 0.00 percent; (2) for previously reviewed or investigated companies not listed above that have separate rates, the cash–deposit rate will continue to be the company–specific rate published for the most recent period; (3) for all other PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash–deposit rate will be PRC–wide rate of 223.01 percent; (4) for all non–PRC exporters of subject merchandise the cash–deposit rate will be the rate applicable to the PRC entity that supplied that exporter. These deposit requirements shall remain in effect until further notice.

Notifications

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

[1] We have selected India as the primary surrogate country in which to value all inputs with the exception of live crawfish, the primary input, and the by-product, crawfish scrap shell. See *Preliminary Results*, 73 FR at 58117, for a discussion regarding the valuation of live crawfish and the selection of Indonesia as the secondary surrogate country.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 3, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9–2767 Filed 2–9–09; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–844]

Certain Lined Paper Products From India: Final Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On October 6, 2008, the U.S. Department of Commerce (''the Department'') published in the **Federal Register** its preliminary results of the administrative review of the countervailing duty (''CVD'') order on certain lined paper products (''lined paper'') from India for the period of review (''POR'') February 15, 2006, through December 31, 2006.[1] *See Certain Lined Paper Products from India: Notice of Preliminary Results of Countervailing Duty Administrative Review*, 73 FR 58121 (October 6, 2008) (''*Preliminary Results*''). We found that respondent, Navneet Publication India Limited (''Navneet'') received countervailable subsidies during the POR. We received comments on our preliminary results from petitioners[2] and rebuttal comments from respondent. The final results are listed in the section ''Final Results of Review'' below.

DATES: *Effective Date:* February 10, 2009.

FOR FURTHER INFORMATION CONTACT: Jolanta Lawska at (202) 482–8362, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On September 28, 2006, the Department published in the **Federal Register** the CVD order on certain lined paper products from India. *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia and the People's Republic of China; and Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia*, 71 FR 56949 (September 28, 2006). On October 6, 2008, the Department published in the **Federal Register** its preliminary results of the administrative review of this order for the period February 15, 2006, through December 31, 2006. *See Preliminary Results*, 73 FR at 58121. In accordance with 19 CFR 351.213(b), this administrative review covers Navneet, a producer and exporter of subject merchandise.

In the *Preliminary Results*, we invited interested parties to submit briefs or request a hearing. On November 13, 2008, we received comments from petitioners. On November 26, 2008, we received rebuttal comments from respondent. No party requested a hearing.

Scope of Order

The scope of this order includes certain lined paper products, typically school supplies,[3] composed of or including paper that incorporates straight horizontal and/or vertical lines on ten or more paper sheets,[4] including but not limited to such products as single- and multi-subject notebooks, composition books, wireless notebooks, looseleaf or glued filler paper, graph paper, and laboratory notebooks, and with the smaller dimension of the paper measuring 6 inches to 15 inches (inclusive) and the larger dimension of the paper measuring 8¾ inches to 15 inches (inclusive). Page dimensions are measured size (not advertised, stated, or ''tear-out'' size), and are measured as they appear in the product (*i.e.*, stitched and folded pages in a notebook are measured by the size of the page as it appears in the notebook page, not the size of the unfolded paper). However, for measurement purposes, pages with tapered or rounded edges shall be measured at their longest and widest points. Subject lined paper products may be loose, packaged or bound using any binding method (other than case bound through the inclusion of binders board, a spine strip, and cover wrap). Subject merchandise may or may not contain any combination of a front cover, a rear cover, and/or backing of any composition, regardless of the inclusion of images or graphics on the cover, backing, or paper. Subject merchandise is within the scope of this order whether or not the lined paper and/or cover are hole punched, drilled, perforated, and/or reinforced. Subject merchandise may contain accessory or informational items including but not limited to pockets, tabs, dividers, closure devices, index cards, stencils, protractors, writing implements, reference materials such as mathematical tables, or printed items such as sticker sheets or miniature calendars, if such items are physically incorporated, included with, or attached to the product, cover and/or backing thereto.

Specifically excluded from the scope of this order are:

- Unlined copy machine paper;
- Writing pads with a backing (including but not limited to products commonly known as ''tablets,'' ''note pads,'' ''legal pads,'' and ''quadrille pads''), provided that they do not have a front cover (whether permanent or removable). This exclusion does not apply to such writing pads if they consist of hole-punched or drilled filler paper;
- Three-ring or multiple-ring binders, or notebook organizers incorporating such a ring binder provided that they do not include subject paper;
- Index cards;

[1] Pursuant to 19 CFR 351.213(e)(2)(ii), because the Department received Navneet's request during the first anniversary month after publication of the order, this administrative review covers entries from February 15, 2006, the date of suspension of liquidation through December 31, 2006, the end of the most recently completed calendar year. The date of suspension of liquidation corresponds to the publication in the **Federal Register** of the *Notice of Preliminary Affirmative Countervailing Duty Determination and Preliminary Negative Critical Circumstances Determination: Certain Lined Paper Products from India*, 71 FR 7916 (February 15, 2006) (*Preliminary Determination of Lined Paper Investigation*). However, for purposes of this administrative review, we will analyze data corresponding to calendar year 2006 (January 1, 2006, through December 31, 2006) to determine the subsidy rate for exports of subject merchandise made during the period in which liquidation of entries was suspended.

[2] Petitioners are the Association of American School Paper Suppliers and its members Mead Westvaco Corporation, Top Flight Inc., and Norcom Inc.

[3] For purposes of this scope definition, the actual use or labeling of these products as school supplies or non-school supplies is not a defining characteristic.

[4] There shall be no minimum page requirement for looseleaf filler paper.